

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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OSCAR MORALES,

Plaintiff,

v.

HOLIDAY BY ATRIA SENIOR LIVING,

Defendant.

Case No. 3:24-cv-00136-MMD-CLB

ORDER

The Court previously screened *pro se* Plaintiff Oscar Morales's amended complaint and dismissed the claims without prejudice and with leave to amend. (ECF Nos. 9, 10.) Before the Court is the Report and Recommendation ("R&R") of United States Magistrate Judge Carla L. Baldwin, screening Plaintiff's Second Amended Complaint (ECF No. 11 ("SAC")) and recommending that the Court dismiss Plaintiff's claims with leave to amend. (ECF No. 12.) Objections to the R&R were due September 6, 2024. (See *id.*) To date, Morales has not objected to the R&R. For this reason, and for the reasons further explained below, the Court will adopt the R&R in full and will dismiss this action with leave to file a third amended complaint.

Because there was no objection, the Court need not conduct de novo review, and is satisfied that Judge Baldwin did not clearly err. See *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) ("De novo review of the magistrate judges' findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.") (emphasis in original). Judge Baldwin found that the SAC makes only conclusory allegations about harassment and retaliation based on Plaintiff's national origin. Having reviewed the SAC and the R&R, the Court agrees with Judge Baldwin.

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1 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF  
2 No. 12) is accepted and adopted in full.

3 It is further ordered that Plaintiff's Second Amended Complaint (ECF No. 11) is  
4 dismissed without prejudice and with leave to amend to cure the deficiencies outlined in  
5 the R&R. If Plaintiff chooses to file a third amended complaint, he must do so within 30  
6 days from the date of entry of this order.

7 It is further ordered that if Plaintiff chooses not to file a third amended complaint  
8 curing the stated deficiencies, this action will be dismissed without prejudice.

9 DATED THIS 18<sup>th</sup> Day of September 2024.

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MIRANDA M. DU  
12 CHIEF UNITED STATES DISTRICT JUDGE  
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